

117TH CONGRESS  
1ST SESSION

# S. 2965

To require the Federal Communications Commission to study the current and projected demands on rural broadband networks associated with data transmission due to increased network usage.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2021

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Communications Commission to study the current and projected demands on rural broadband networks associated with data transmission due to increased network usage.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4       In this Act:

5           (1) COMMISSION.—The term “Commission”  
6 means the Federal Communications Commission.

7           (2) COVERED PERIOD.—The term “covered pe-  
8 riod” means the 6-year period that—

1                         (A) begins on the date that is 3 years be-  
2                         fore the date on which the proceeding under  
3                         section 2(a)(1) is initiated; and

4                         (B) ends on the date that is 3 years after  
5                         the date on which the proceeding under section  
6                         2(a)(1) is initiated.

7                         (3) HIGH-COST RURAL AREA.—The term “high-  
8                         cost rural area” means an area of the United States  
9                         that is not contained within an incorporated city or  
10                        town with a population of more than 20,000 inhab-  
11                        itants.

12                        (4) QUALIFYING BROADBAND SERVICE.—The  
13                         term “qualifying broadband service” means broad-  
14                         band service with measurable speeds of not less than  
15                         the speeds required for the service to qualify as an  
16                         advanced telecommunications capability, as that  
17                         term is defined in section 706(d) of the Tele-  
18                         communications Act of 1996 (47 U.S.C. 1302(d)).

19                        (5) RURAL BROADBAND NETWORK.—The term  
20                         “rural broadband network” means the plant, equip-  
21                         ment, components, facilities, hardware, and software  
22                         used by a rural broadband provider to provide qual-  
23                         fying broadband service in a high-cost rural area.

24                        (6) RURAL BROADBAND PROVIDER.—The term  
25                         “rural broadband provider” means an entity that—

- 1                         (A) provides qualifying broadband service  
2                         in a high-cost rural area using any terrestrial  
3                         technology, including a fixed or mobile wireless  
4                         or wireline network; and  
5                         (B) provides qualifying broadband service  
6                         to fewer than 250,000 customers.

7     **SEC. 2. RURAL BROADBAND NETWORK ADVANCEMENT**

8                         **STUDY.**

9                         (a) PROCEEDING BY FCC.—

10                         (1) IN GENERAL.—

11                         (A) INITIATION.—Not later than 1 year  
12                         after the date of enactment of this Act, the  
13                         Commission shall initiate a proceeding to ana-  
14                         lyze the demands that have been or will be  
15                         placed on rural broadband networks during the  
16                         covered period that are associated with data  
17                         transmitted over those networks.

18                         (B) CONCLUSION.—Not later than 1 year  
19                         after initiating the proceeding under subpara-  
20                         graph (A), the Commission shall conclude the  
21                         proceeding.

22                         (2) MATTERS FOR ANALYSIS.—The analysis  
23                         conducted under paragraph (1) shall include the fol-  
24                         lowing:

1                             (A) ESTIMATION AND ANALYSIS OF NET-  
2                             WORK USAGE.—

3                                 (i) OVERALL DATA TRANSFERS.—An  
4                                 estimate of the quantity of data that has  
5                                 been or will be transmitted over rural  
6                                 broadband networks during the covered pe-  
7                                 riod.

8                                 (ii) CATEGORIES OF NETWORK  
9                                 USAGE.—An analysis of the quantity of  
10                                 data that has been or will be transmitted  
11                                 over rural broadband networks during the  
12                                 covered period broken down by content  
13                                 owner, licensor, or distributor, in order to  
14                                 produce an estimate of network usage by  
15                                 type of content, use, and purpose.

16                             (B) CALCULATION OF COSTS.—

17                                 (i) IN GENERAL.—A calculation of the  
18                                 costs to rural broadband providers during  
19                                 the covered period associated with trans-  
20                                 mission of data over rural broadband net-  
21                                 works that are not already recovered  
22                                 through—

23   (I) user rates that are reasonably  
24   comparable to user rates in urban  
25   areas; or

1                             (II) Federal programs aimed at  
2                             promoting rural broadband deploy-  
3                             ment or sustaining rural broadband  
4                             networks, including Federal universal  
5                             service support programs established  
6                             under section 254 of the Communica-  
7                             tions Act of 1934 (47 U.S.C. 254).

8                             (ii) COSTS DESCRIBED.—The cat-  
9                             egories of costs to be calculated under  
10                          clause (i) shall include costs associated  
11                          with—

12                          (I) the initial deployment of rural  
13                          broadband networks;

14                          (II) the operation and mainte-  
15                          nance of rural broadband networks;  
16                          and

17                          (III) the delivery of services to  
18                          users over rural broadband networks,  
19                          including the transmission of data be-  
20                          tween high-cost rural areas and urban  
21                          or suburban interconnection points.

22                          (3) PROVISION OF INFORMATION.—Notwith-  
23                          standing any other provision of law, a rural  
24                          broadband provider may disclose to the Commis-  
25                          sion—

1                             (A) the quantity of data transmitted over  
2                             rural broadband networks of the provider, bro-  
3                             ken down by content owner, licensor, or dis-  
4                             tributor; and

5                             (B) any other information necessary for  
6                             the Commission to complete the proceeding  
7                             under paragraph (1).

8                             (b) REPORT TO CONGRESS.—Not later than 120 days  
9                             after concluding the proceeding under subsection (a)(1),  
10                            the Commission shall publish on its website and submit  
11                            to the Committee on Commerce, Science, and Transpor-  
12                            tation of the Senate and the Committee on Energy and  
13                            Commerce of the House of Representatives a report on  
14                            the findings of the proceeding.

